

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BRANDON SMIETANA, SKYCOIN  
GLOBAL FOUNDATION LIMITED, a  
Singapore company, and SYMBOLIC  
ANALYTICS INC., a Delaware corporation,  
Plaintiffs,

v.

BRADFORD STEPHENS, AARON KUNSTMAN,  
JOEL WAYNE CUTHRIELL, MORGAN PECK,  
CATHERINE BYERLY, ADVANCE MAGAZINE  
PUBLISHERS INC. d/b/a THE NEW YORKER,  
and UNKNOWN INDIVIDUALS and  
COMPANIES,

Defendants.

Civil Action No. 24-cv-08617

Honorable John Robert Blakey

**DECLARATION OF FABIO BERTONI**

I, Fabio Bertoni, declare as follows:

1. I am over the age of eighteen and have personal knowledge of the matters stated below, and if called to testify, I could and would competently testify to these facts.

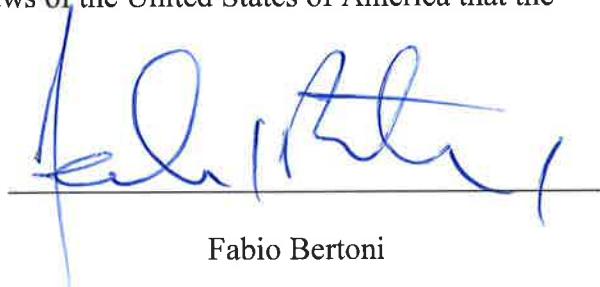
2. I am submitting this declaration on behalf of Advance Magazine Publishers Inc. d/b/a The New Yorker (“The New Yorker”), which is the publisher of *The New Yorker* magazine, a national magazine with a particular focus on the cultural life of New York City.

3. I am a licensed New York attorney and the General Counsel for *The New Yorker* magazine, a position I have had since April 2014. As General Counsel for *The New Yorker*, I execute critical legal functions and strategies and advise top editorial and corporate partners on essential matters.

4. Advance Magazine Publishers Inc. is incorporated in the state of New York. Its principal place of business is also in New York.

5. The New Yorker's documentary evidence related to this case is stored in New York. The witnesses that The New Yorker would call at trial are all based in New York, including Defendant Morgan Peck, who wrote the Article, Nimal Eames-Scott, who edited it, and Anna Boots, who fact-checked it. New York is therefore a more convenient venue for *The New Yorker's* witnesses.

This declaration was executed on this 21 day of October, 2024, in New York, NY. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



A handwritten signature in blue ink, appearing to read "Fabio Bertoni", is written over a blue horizontal line. The signature is fluid and cursive, with a distinct 'F' at the beginning.

Fabio Bertoni